THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.28368 OF 1998

DATE: 03-08-2006

Between:

G.Gopichand

.... Petitioner

A n d

The High Court of Andhra Pradesh,
Rep. by its Registrar (Adminsitration),
Hyderabad.

... Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.28368 OF 1998

ORDER: *(Per the Hon'ble Sri Justice Bilal Nazki)*

Nobody appears for the parties.

The petitioner is a judicial officer and was Junior Civil Judge in 1998, when this petition was filed. When he entered into the judicial service in 1994, he declared his date of birth on the basis

of his educational certificates as 15-08-1961. After few years, he made a representation that his date
of birth as recorded in his educational certificates and school records was wrong and his correct date of birth is
18-07-1962. He made a representation to the High Court, which was rejected. Thereafter, this petition was filed.

In the counter it has been mentioned as to how the date of birth has been entered into his service register and in this case, the date of birth has been entered into his service register as per his declaration. Law is now well settled that the date of birth once entered should not be changed unless there is unimpeachable evidence and reasons are shown for the record being faulty. When the petitioner entered into service, he was about 33 years old and he declared his date of birth, which had been recorded. He filed the writ petition four years after he entered into service and when he was aged 37 years. Obviously, this was an afterthought and on the basis of some certificate, which is purported to have been issued by the Mandal Revenue Officer, which is not annexed to the writ petition, the petitioner wanted to change his date of birth. Even otherwise, the Rules do not provide for any change. Rule 2 (1) of the Andhra Pradesh Public Employment (Recording and Alteration of Date of Birth) Rules, 1984 lays down:

Recording of Date of birth:-

> "Every Government employee shall, within one month from the date on which he joins duty, make a declaration as to his date of birth."

The position has already been considered by a Full Bench of this Court in *G.KRISHNA MOHAN RAO VS. REGISTRAR, A.P. ADMINISTRATIVE TRIBUNAL, HYDERABAD*[1] and Rule 4 of the Andhra Pradesh Public Employment (Recording and Alteration of Date of Birth) Rules, 1984 lays down:

> **"*Alteration of date of birth in past cases:-***
>
> (1) No Government employee in service, before the commencement of these rules;
>
> (a) Whose date of birth has been recorded in the Service Register in accordance with rules applicable to him: or
>
> (b) Whose entry relating to date of birth became final and binding under the rules in force prior to the commencement of these rules, shall be entitled to claim alteration of his date of birth.
>
> (2) No subsequent variation of the date of birth in the school records shall be relevant for the purpose of service nor shall such variation be a valid ground for ordering an alteration of the date of birth by any Court, Tribunal or other authority.

Writ petition is misconceived and it is accordingly dismissed. No costs.

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BILAL NAZKI, J

Dt.03-08-2006

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M.VENKATESWARA REDDY,J

Lrkm.

[1] 2004(3) ALD 449 (FB)